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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/478,921 01/06/00 SIMS

S 518900-0010

QM12/0622

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EXAMINER

RICCI, J

ART UNIT

PAPER NUMBER

3712

DATE MAILED:

06/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/478,921

Applicant(s)

Sims

Examiner

John Ricci

Group Art Unit

3712



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-37 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 26-34, 36, 37 is/are allowed.

☒ Claim(s) 1-4, 20, 35 is/are rejected.

☒ Claim(s) 5-19, 21-25 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35, the last 4 lines do not appear to be correct.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, & 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Izuta.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Izuta in view of Walk.

In the bow of Izuta, it appears that the vibration reducers are mounted on traditional solid limbs. However, one would recognize that some bows have split limbs, such as Walk, and it would be desirable to provide a split-limb bow with such stabilizers. It would have been obvious to one of ordinary skill in the art to provide the stabilizers of Izuta on a split-limb bow.

Claims 1, 2, & 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hoyt.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyt in view of Walk.

In the bow of Hoyt, it appears that the vibration reducers are mounted on traditional solid limbs. However, one would recognize that some bows have split limbs, such as Walk, and it would be desirable to provide a split-limb bow with such stabilizers. It would have been obvious to one of ordinary skill in the art to provide the stabilizers of Hoyt on a split-limb bow.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Masterfield.

Masterfield shows a bow stabilizer 26, comprising an elongated member fixed to a bow at one end, and at the free

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end, a structure 30 attached thereto, which may be considered a "decay pattern modifying member".

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Saunders.

Saunders shows a bow stabilizer 28, 29, comprising an elongated member fixed to a bow at one end, and at the free end, a structure 66 attached thereto, which may be considered a "decay pattern modifying member".

Claims 5-19, & 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26-34, 36, & 37 are allowed.

Claim 35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

With regard to claims 26 & 34, the prior art does not disclose the vibration modifying component of elastomeric material, with an integral head and stem, and a mechanism for attaching the component to a bow limb.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

* * * * *

This letter was prepared by Examiner John Ricci, who can be reached at the appropriate phone number:

Voice: 703-308-4751

Fax: Use 703-305-3579 for papers that can be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

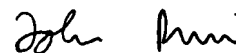
Use 703-783-0439 for papers that need to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.

My supervisor is Jacob Ackun, 703-308-3867.

PTO main switchboard: 800-786-9199.

Visit our Web site at www.uspto.gov.



**JOHN RICCI
PRIMARY EXAMINER
ART UNIT 3712**

Interim Drawing Procedures

Dates: Feb. 23, 2000 through Nov. 28, 2000

Applications are delivered to the TC's from OIPE and are directed to the art unit without the draftsperson's review.

On first action (non-allowance):

The examiner should review drawings for content only (the sections of rules 1.83 and 1.84 that require examiner consideration). Any deficiency in the drawings should be noted by the examiner in the examiner's Office action via the *Office Action Summary form PTO-326* and current form paragraphs. (The examiner is not required to inform applicant of the status of the drawings as being *formal* or *informal*.)

On subsequent actions (non-allowance):

The examiner should check for any new drawing submissions that have been filed since the examiner's last Office action.

If applicant submits what applicant believes to be formal drawings, as noted on applicant's transmittal letter or in their remarks, the examiner merely acknowledges receipt of the submission in the examiner's Office action.

On drawing corrections, the examiner should review the content and determine if the changes made satisfy any earlier requirements noted by the examiner. If so, the examiner should notify applicant via the *Office Action Summary form PTO-326*.

On allowance:

The examiner should consider any earlier requirements made in previous Office actions. If not yet corrected the examiner should include in the NOA the requirement for correction.

Further, the examiner should determine if the drawing submission(s) by applicant have been indicated by applicant as formal or not. This can usually be determined by checking applicant's transmittal letter or in applicant's remarks.

If indicated by applicant as informal or appear informal – the examiner should require formal drawings in NOA.

If indicated as formal or appear to be formal (and no obvious problems) the examiner should indicate in the NOA as formal.

If the examiner is unsure as to the formal/informal status, the examiner should check with the draftsperson.

If the examiner believes there are obvious problems on formal drawing, the examiner should check with the draftsperson. If the draftsperson concurs, the draftsperson will complete a Form PTO- 948. The examiner should include the 948 as a requirement for correction in the NOA.

There is no longer a requirement for a draftsman approved stamp on the drawings. The classification data will be taken from the file wrapper.